

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re of:

Application No.:	10/586,595	Examiner:	Unassigned
Filing Date:	July 20, 2006	Art Unit:	Unassigned
First Inventor:	Stijn Jozef Rita Johanna JANSSENS	Customer No.:	23364
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For:	HEAT EXCHANGER		

RESPONSE TO NOTIFICATION OF INSUFFICIENT FEES (DO/EO/US)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is responsive to the Notification of Insufficient Fees mailed June 26, 2008 concerning the above-identified application.

Applicant disputes this Notification and asserts that the filing fees submitted with the application as originally filed have been correctly calculated and that no additional fees are due.

The Notification of Insufficient Fees is based upon the assertion by the Office that the annex has not been entered because it is not a page for page substitution. A careful review of the annex submitted with the original filed documents in this application under the cover page bearing the heading "Annexes to International Preliminary Report and Patentability under PCT Article 36 (Amended Sheets of Specification Retyped in Clean Form)" shows that they indeed constitute a page for page substitution of the original application pages.

The original annex of the ISR transmitted by the WIPO to the US/PCT/EO/DO shows the as-filed pages marked up in handwriting, but consistent with a page for page substitution of each page of specification and claims amended.

When Applicant's attorney retyped the handwritten annex pages for the National Phase filing, a page for page correspondence was maintained with regard to the original filed application pages.

Thus, AMENDED SHEET pages 2 and 2a of the annex correspond precisely with original page 2 of the original PCT application and may be substituted for same.

AMENDED SHEET page 3 of the annex corresponds precisely with original filed page 3 and may be substituted for same.

AMENDED SHEET page 10 of the annex corresponds precisely with original filed page 10 and may be substituted for original page 10.

AMENDED SHEET page 10a follows amended sheet 10 in accordance with prescribed rules for amending international applications under Rule 36. Page 10a follows page 10 as a partial substitute for original page 10.

AMENDED SHEET page 11 of the annex corresponds to original filed page 11 and may be substituted therefore.

AMENDED SHEET page 12 of the annex corresponds to original filed page 12 and may be substituted therefore.

Accordingly, no defects in fact exist with regard to the annexes as handwritten or as cleanly typed, submitted under Rule 36. Withdrawal of the Notification of Insufficient Fees is appropriate and the same is respectfully requested.

Furthermore, because the Annex should have been entered, the preliminary amendment to the claims likewise should be entered because they correctly reflect the status of the claims in the application following amendments submitted under Rule 36 in the Annex.

Upon determining that the Annex may be entered because they are page for page substitutions for the original filed pages, entry of the preliminary amendment is likewise appropriate and the same is respectfully requested.

Upon finding that the Annex may be entered and the preliminary amendment correctly reflects the status of the claims in the as-filed application, including the Annex pages, no additional fee will be required for multiple dependent claims.

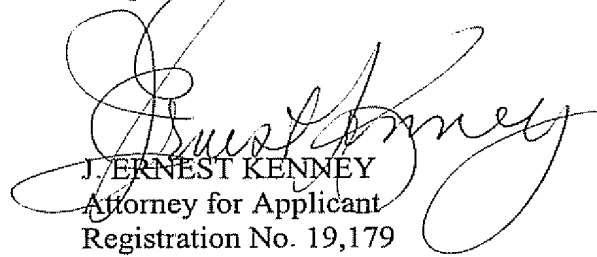
Because the Notification of Insufficient Fees incorrectly assumed that the Annex could not be entered because they were not a page for page substitution of the original filed pages, withdrawal of the surcharge fee of \$130 is appropriate and the same is respectfully requested.

In conclusion, because the Annex is correct and could be entered as page for page substitutions of the original filed application, the preliminary amendments are correct and may be entered without payment of any surcharge or multiple claim fees.

Any fee required in connection with this paper may be charged to deposit account 02-0200. Applicant does not waive any right to oppose the charging of a fee with respect to the matter addressed in this paper.

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Date: July 18, 2008

Respectfully submitted,


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